



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10725,761	12/01/2003	Jean-Claude Mayer	5460-2	3281

27799 7590 06/29/2005

COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

KNABLE, GEOFFREY L

ART UNIT PAPER NUMBER

1733

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,761

Applicant(s)

MAYET, JEAN-CLAUDE

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-1-2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 1733

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the last four lines are indefinite and confusing for several reasons. First, it is not clear what the relationship is between the "degree of freedom" and the "parallel movement" - if they are referencing the same movement capability, it would be clearer if this were more clearly brought out in the claim. Further, it is not entirely clear *what* is actually moving in the reference to permitting a "parallel movement" - i.e. is this in reference to the "support," the "means" or the "actuation mechanism"? Also, the phrase "parallel movement relative to a plane" is confusing - if this is intended to define that the movement is parallel to the plane, then this should be more clearly defined, it being noted at present, the claim language could conceivably be read as defining a movement e.g. towards or away from the plane, whereas it does not appear that this is what is intended - clarification is therefore required.

In claim 2, the reference to "this feature being not limiting the scope of the invention" renders the claim indefinite as the claims by definition define and thereby limit the scope of the invention.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayet (US 2002/0117265) or Mayet (US 2002/0117251).

Mayet '265 discloses a device for fabrication of a tire reinforcement by laying arcs of cord on a toroidal form, the device including a cord laying element (6), an actuation mechanism comprising an arm (e.g. 32T) carrying the cord laying element back and forth and pressing elements (2G, 2D). Further, the movement capability of the support along the direction marked "P" in fig. 1 (e.g. note also paragraph [0085]) is along a direction that would be parallel to a tangent plane as claimed. This reference is therefore considered to anticipate claim 1. As to claim 2, the reference also discloses a sliding movement capability of a first arm 31 that supports the actuating arm (e.g. note paragraph [0073] and [0074]), this sliding movement being considered to provide a degree of freedom of movement along a direction parallel to the axis of the form since this first arm can be oriented along the axial direction (in which case it would be sliding along the axial direction). As to claim 3, a single arm supports the cord-laying element (it being noted that the presence of other arms is not excluded). As to claims 4-6, plural arms (e.g. 31, 32) are contemplated, it being considered that the arm 32 can be termed a "main arm". As to claim 8, the device clearly is operable in synchronism as claimed - e.g. paragraphs [0050] and [0066].

Mayet '251 discloses a very analogous structure as well as movement capabilities and therefore is rejected for the same reasons detailed with respect to Mayet '265.

4. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayet (US 2001/0023736).


Art Unit: 1733

Mayet '736 discloses a device for fabrication of a tire reinforcement by laying arcs of cord on a toroidal form, the device including a cord laying element (6), an actuation mechanism comprising an arm (e.g. 33) carrying the cord laying element back and forth and pressing elements (2G, 2D). Further, the movement capability of the support along the direction marked "P" in for example fig. 1 (e.g. note also paragraph [0069]) is along a direction that would be parallel to a tangent plane as claimed. This reference is therefore considered to anticipate claim 1. As to claim 3, a single arm supports the cord-laying element (it being noted that the presence of other arms is not excluded). As to claims 4-6, plural arms (e.g. 31, 32) are contemplated, it being considered that the arm 32 can be termed a "main arm". As to claim 7, the element "6" is described as an eyelet (e.g. paragraph [0033]). As to claim 8, the device clearly is operable in synchronism as claimed - e.g. paragraphs [0056] and [0076].

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
June 23, 2005